

ATTACHMENT A

STIPULATION OF FACTS

The undersigned parties stipulate and agree that if this case had proceeded to trial, this Office would have proven the following facts beyond a reasonable doubt. The undersigned parties also stipulate and agree that the following facts do not encompass all of the evidence that would have been presented had this matter proceeded to trial.

On March 17, 2017, in the District of Maryland, the Defendant, **DELONTE MACK** ("**MACK**"), having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting commerce, the following firearm and ammunition: (1) a Smith and Wesson, Model SW40VE, .40 caliber, semi-automatic pistol; and (2) 14 rounds of ammunition.

On February 25, 2017, around 12:43 p.m. near the intersection of N Street, SW and South Capitol Street in Washington, D.C., **MACK** shot Individual 1 at close range multiple times in Individual 1's right shoulder, right flank, right toe, and groin. Individual 1 survived the shooting, but remained in the hospital for several weeks and continues to suffer pain and limited mobility as a result of the gunshot wounds.

Based on these events, on March 17, 2017, United States Marshals responded to **MACK**'s apartment in Largo, Maryland, to serve an arrest warrant for **MACK**. When Marshals arrived at the apartment, **MACK** was present. Located in plain view on a table was a quantity of marijuana and pills. **MACK** told law enforcement officers that any drugs, money, or guns located at the apartment belonged to **MACK**.

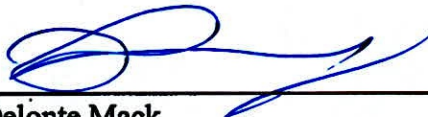
Based on the narcotics seen in plain view, law enforcement officers obtained a search warrant for **MACK**'s apartment and took **MACK** into custody. During the search, law enforcement recovered a black and silver .40 caliber Smith and Wesson handgun with an obliterated serial number. The Smith and Wesson handgun was loaded with one round in the chamber and 13 rounds in the magazine. Law enforcement officers further located \$3,563 in U.S. currency, and a heat sealed bag containing approximately 9 grams of marijuana. The Smith and Wesson handgun found at **MACK**'s apartment was a different handgun than the one **MACK** used to shoot Individual 1 on February 25, 2017.

The Smith and Wesson handgun and the ammunition were manufactured outside of Maryland and thus traveled in interstate commerce prior to their recovery at **MACK**'s apartment on March 17, 2017. Prior to March 17, 2017, **MACK** had been convicted of a felony, which made him ineligible to possess a firearm. Specifically, on April 5, 2011, in the District of Columbia **MACK** was convicted of two counts of robbery. Also, on April 8, 2014, in the District of Columbia, **MACK** was convicted of unlawful possession of a firearm by a convicted felon. As of March 17, 2017, **MACK**'s civil rights had not been restored.

SO STIPULATED:

A handwritten signature in blue ink, appearing to read "Erin B. Pulice", written over a horizontal line.

Erin B. Pulice
Assistant United States Attorney

A handwritten signature in blue ink, appearing to read "Delonte Mack", written over a horizontal line.

Delonte Mack
Defendant

A handwritten signature in blue ink, appearing to read "Harry Trainor", written over a horizontal line.

Harry Trainor, Esq.
Counsel for Defendant